

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

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Court of Appeals, District of Columbia

October

APRIL TERM, 1901.

No. 1094.

91

5
No. 24, SPECIAL CALENDAR.

GEORGE M. LEHMAN, PLAINTIFF IN ERROR,

vs.

THE DISTRICT OF COLUMBIA.

In Error to Police

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

FILED MAY 7, 1901.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

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In the Court of Appeals of the District of Columbia.

GEORGE M. LEHMAN, Plaintiff in Error, }
vs. } No. 1094.
 THE DISTRICT OF COLUMBIA. }

a In the Police Court of the District of Columbia, May Term,
1901.

DISTRICT OF COLUMBIA } No. 204,920. Information for Selling
vs. } Liquor on Sunday; Keeping Open
 GEORGE LEHMAN. } Bar on Sunday.

Be it remembered that in the police court of the District of Columbia, at the city of Washington, in the said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above-entitled cause, to wit:

1 *Information.*

In the Police Court of the District of Columbia, March Term, A. D.
1901.

DISTRICT OF COLUMBIA, } ss :
County of Washington, }

James L. Pugh, Jr., Esq., special assistant attorney for the District of Columbia, who for the said District prosecutes in this behalf in his proper person, comes here into court and causes the court to be informed and complains that George Lehman, late of the county of Washington and District of Columbia aforesaid, is the keeper of a licensed bar-room or place where intoxicating liquors are sold, under the provisions of an act of Congress entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, on the third day of March, in the year one thousand nine hundred and one, on 7th street northwest, in the city of Washington, District of Columbia aforesaid, did then and there keep and have said place for the sale of and did sell intoxicating liquors on said day, the said day being Sunday.

2d count. And the said James L. Pugh, Jr., Esq., special assistant, as aforesaid, comes here into court, as aforesaid, and causes the court to be informed and complains that George Lehman, as aforesaid, on said third day of March, in the year aforesaid, did fail to have his bar-room or place of business for the sale of intoxicating liquors closed on said day, the said day being Sunday.

formation charging him, as a licensed bar-room keeper under the said act of Congress, with having kept his bar-room open after 12 o'clock midnight and before 4 o'clock on the morning of the succeeding day, which said trial was had on said 27th day of March, 1901, while members of the jury now empaneled were present in the court-room where said trial was had. Thereupon the jury in said cause of The District of Columbia *vs.* John H. Brooks duly declared and returned a verdict of not guilty; whereupon the judge presiding said, "What is that verdict, not guilty?" to which the foreman of said jury replied: "Yes, your honor; that verdict was unanimous;" And thereupon the judge presiding said, "That is the most outrageous verdict I have ever heard. I have heard many odd verdicts, but never one like that. It is directly opposite to the instructions given by the court, and I feel that I should discharge the jury and not allow it to sit in any other case." And thereupon the judge directed the clerk of the court to furnish him with a list of names of the jurors returning said verdict, and after giving said direction he further said, "I shall consider what I shall do about this. I shall take some action." And thereupon the judge directed the jury returning said verdict to take seats in the court-room, where they thereafter remained until the jury in the case then on trial retired to consider of their verdict. The language used by the judge above stated in quotation marks was uttered by him in the presence and hearing of the jury in the case then on trial and in tones manifesting strong feeling on his part and condemnation of the action of the jury returning said verdict.

5 And thereupon the examination-in-chief of the said witness, Sanders, having been concluded, and before any other or further proceedings in the case, the attorney for the defendant Lehmann stated to the court that he considered the judge's action in so addressing the jury in said case of The District of Columbia *vs.* John H. Brooks and the language used by the said judge to the said jury, being the language contained within quotation marks as above set forth, constituted a menace or threat to the jury in the case now on trial and tended to intimidate said last above mentioned jury, and would so operate upon the minds of said jury as to prevent them from returning a verdict absolutely free from fear or bias, all being to the prejudice of the defendant Lehmann. And thereupon the attorney for said defendant, Lehmann, moved the court, for the reasons stated by him, as aforesaid, to discharge said jury from the further consideration of this case; which said motion the court overruled; to which action of the court in overruling said motion the attorney for the defendant then and there duly excepted, and the said exception was then and there duly noted by the judge on his minutes.

And thereupon the attorney for the defendant Lehmann further excepted to the action of the court and to the language used by him contained within quotation marks, as hereinbefore set forth, which said exception the judge thereupon duly noted on his minutes, and then and there stated to the jury that they were not in any way to consider what he had said to the other jury.

And thereupon the prosecution gave evidence tending to show that the said bar-room was on the west side of the building constituting said hotel; that the said hallway ran north and south
6 on the east side of said bar-room and communicated by another doorway with another room east of said hallway, which said other room is referred to in the testimony as the lunch-room or eating-room; that on said date, at or about the hour of nine o'clock p. m. and at or about the hour of eleven o'clock p. m., there were large crowds of people in and about said hallway and lunch-room, all which, together with said bar-room, are situated on the ground floor of said hotel, and that there were also large crowds of people on the second floor of said hotel; that on said date four men, in the uniform of soldiers, supposed to be members of the Pennsylvania National Guard, stood in said hallway, near the door leading therefrom into said bar-room, and received from said doorway several bottles containing what appeared to the witness to be beer; that in said lunch-room, which was about 25 feet in length, a counter ran along the east side of said room, extending from front to rear of the room, upon which counter were a few sandwiches and near which, in said room, were empty bottles: that a case or box containing bottles, which appeared to contain beer, was brought in said lunch-room from the direction of said bar-room; that said lunch-room was crowded with people, many of whom were drinking what appeared to the witness to be beer—some of them drinking from glasses and others drinking directly from bottles; that a sign was affixed at the entrance to said lunch-room containing the words "Beer bar" together with other words; that employees of said hotel passed through said crowds with trays on which were bottles containing what appeared to the witness to be beer, and that the witness also saw money on said trays or some of them. All of said transactions were on March 3d, 1901, at or about the hours of nine and eleven o'clock p. m. Witnesses who testified on behalf of the prosecution were the said R. A. Sanders
7 and one Michael Byrns, a sergeant of said Metropolitan police force, who stated that he saw a counter in the lunch-room, a portion of which was used for serving beer, and further swore that he went upstairs to the parlor and observed many persons drinking in the hallways and in the parlor, with the waiters serving them, and one James L. Ewin, who stated that he saw persons passing in and out of a room on the Pennsylvania Avenue front of the hotel, where they displayed a sign, "Beer bar," and observed waiters passing beer over a counter just as it was dispensed in a regular bar-room; that said Ewin was president of the Anti-Saloon League; and also one Dinsmore, an officer of said league.

Upon cross-examination the said Byrns and Ewin testified that they had no positive knowledge that what they had in their testimony described as beer was in fact beer, but they believed it was beer because it looked like beer and was in bottles like beer bottles. The said Ewin also testified that he did not enter the lunch-room or go upstairs. The said Byrns also testified that the room on the sec-

ond floor north of the hotel office was the room referred to as the parlor in his testimony ; that he saw no eating there, only drinking.

And thereupon the prosecution rested.

And thereupon the defendant, to maintain the issues on his part joined, gave evidence tending to prove that on the said 3d day of March, 1901, said city of Washington was crowded with visitors from other places to attend the ceremonies of Inauguration day in said city ; that on said date the said hotel was crowded with people so that the employees of said hotel were unable, without the greatest difficulty, to move from place to place therein and to perform their respective duties ; that the said bar-room fronting on Seventh street was kept closed throughout the entire day, excepting only to admit the defendant and his

8 employees, and that no beer or other intoxicating liquors

were sold or delivered to or obtained by any person in said bar-room proper excepting only beer obtained there by employees of the defendant for delivery and use in other parts of the hotel ; that on said date the said employees were required by the defendant to furnish no beer or other intoxicating liquor to any person whomsoever other than a *bona fide* registered guest of said hotel, and that no person could obtain beer or other intoxicating liquor in said hotel on said date except by sending an order therefor to the manager, Leonarda, who had charge of the hotel office and hotel register and who was then and there present during the entire day, and that on said date no beer or other intoxicating liquor was taken out from said bar-room for or furnished to any person in or about the said hotel or hotel premises except through said manager in manner and form as aforesaid, but that he did not know what occurred on the first floor ; that on four or five different occasions during said date the defendant and said Leonarda went or sent for police assistance in managing the large crowds in and about said hotel, but such police assistance could not be found ; that at that time and at other times during said date employees of said hotel, while passing through the hallways and other parts of the hotel carrying beer on trays to be served to *bona fide* registered guests of the said hotel, were intercepted by persons unknown who may or who may not have been *bona fide* registered guests of said hotel, but who took beer from said trays without the consent of the defendant or any of his employees, and that the persons so taking the beer from said trays, or some of them, would voluntarily throw money upon the trays ; that the defendant and said Leonarda and other employees endeavored in good faith to prevent any delivery or sale of intoxicating liquors to any and

9 every person not a *bona fide* registered guest, and to prevent such sale or delivery to *bona fide* registered guests except at their meals and in their rooms ; that the room north of and next to the hotel office which was designated by the witness Burns as the parlor was in fact used as a dining-room on said date ; that in consequence of the crowded condition of said hotel many of the guests

slept in hallways and other passageways, the sitting-room, dining-room, and other rooms of said hotel, upon cots specially provided for that purpose and occasion; that said lunch-room was equipped for that occasion as a lunch-room and three or more servants were then and there employed in making sandwiches, and that other employees were then and there employed in serving sandwiches and other eatables to persons calling for the same, but that no beer or other intoxicating liquor was kept in said lunch-room, and that whatever beer was in said lunch-room was either brought by *bona fide* guests of the hotel from their respective rooms, where they had received the same, or by *bona fide* registered guests of the hotel who obtained such beer in said lunch-room as an accompaniment to the eatables then and there ordered by and served to them by the defendant's employees; that the sign at the entrance to the lunch-room as aforesaid was an advertisement furnished by the Christian Moerlein Brewing Company and put there at the request of said company and was an advertisement of the beer of said company. And thereupon the defendant rested. The witnesses sworn and examined on behalf of the defendant were himself and Charles Leonarda, his manager; Matthew Ruppert, who was in charge of said bar-room during said date, and John Taylor, who was employed at said lunch-room.

No other or further testimony was given at the trial. And thereupon the attorney for the defendant moved the court to instruct the jury to return a verdict of not guilty; which said motion the court then and there overruled; to which action of the court in overruling said motion the attorney for the defendant then and there duly excepted, and the said exception was at the time duly noted by the judge on his minutes.

And thereupon the judge of his own motion charged the jury as follows:

"GENTLEMEN OF THE JURY: I think possible I had better say at the beginning that what I said to the other jury was not intended for this jury, and I do not want you to take to yourselves anything I said to them. The jury is bound to take the law as laid down by the court. They have no right to consider whether the court has made a mistake or not. If the judge makes a mistake in laying down the law, the defendant can take it up to the Court of Appeals on a writ of error. That is where the other jury made its mistake. It did not at all go by the law as laid down by the court, and in its own way brought in a verdict contrary to the law as given them by the court. I do not expect this jury to do anything of that kind. What I said to the other jury about bringing in the very strange verdict which they did I do not want this jury to consider at all. The law is to be taken as laid down by me, and, as I said before, if I make a mistake that is not for the jury. The jury is to arrive at the facts in the case, and is to bring in its verdict according to the law as given them by the court and the evidence in the case. The court has nothing to do with the facts. It can only call your attention to them. It is for you to determine from the law and the evi-

dence as to what your verdict will be. Now, in this case, the defendant is charged in two counts. They are two separate and distinct offences. One count is for keeping his bar open on Sunday, and the other for selling liquor on Sunday. *You can bring in a verdict of guilty as to both counts, or guilty as to one and not guilty as to the other, or not guilty as to both.*

Under our peculiar form of law a hotel-keeper has certain privileges which no other saloon-keeper has. A great many men go into a hotel and expect to get liquor with their meals, and a good many have liquors served in their rooms. The law says a hotel-keeper may sell liquor to *bona fide* registered guests at their meals and in their rooms. *That is the only exception that is made in favor of a hotel-keeper. That is the only difference between a hotel-keeper's license and an ordinary license for a saloon.* If a man is a *bona fide* registered guest he can get liquor at his meals, or, if he desires, he can have it served in his rooms. *The law does not allow a man to go into a hotel and order a few crackers and some cheese or a sandwich for the purpose of getting a drink, or writing his name in a book for the purpose of having liquor served in his room, but he must be a bona fide registered guest. It must be done in good faith.* Something was said by the counsel

11 for the defendant that the defendant did not authorize the sales. This defendant is responsible for the acts of his agents.

If his bartender or servant in charge of his business sells or permits liquor to be sold the proprietor is responsible. He may not have authorized it, and it may have been done during his absence, but he is responsible because they are his agents, and if they sold liquor contrary to law he would be responsible, and the law makes him responsible. *You are not to take into consideration the fact that it was inauguration time or the large crowd that was here or anything of that kind. You are to treat it as you would any ordinary case. I might say a great deal about the results of selling liquor to this crowd. This case is to be considered by you as any other case brought before you. You are to find out from the evidence and the law as given by me whether this law has been violated or not. It is charged that the defendant kept his bar-room opened. It was stated here in evidence that these bottles of beer came out of the bar-room. If the liquor was taken out of the bar-room and drunk on some other portion of the premises to which the bar-room was attached, it would be, in contemplation of law, keeping his bar-room open. He cannot keep his bar-room closed and in the next room sell liquor. He must keep the premises on which the bar-room is located closed for the sale of liquor. If any part of said premises are used for the sale of liquor this is, in contemplation of law, keeping his bar-room open because his license covers his entire premises.* In regard to sales—selling liquor means in its broadest sense any dispensing of liquor. It does not necessarily mean that money must pass. It may be charged to his account. As soon as title passes it is, in contemplation of law, a sale. Of course I do not mean to say that if this proprietor had a friend there he would not be permitted to give him a drink. Treat this case as any ordinary case would be treated. Take all the evidence in the

case and use it together and find out as reasonable men whether the offense as alleged in those several counts has been committed or not. In this case, as in every other case, you are to give the defendant the benefit of any reasonable doubt."

And thereupon the defendant, by his attorney, then and there duly excepted to said charge, and also separately to each and every part thereof which is italicized by being underscored, upon the ground that the same and every part thereof is contrary to the law and to the evidence and is without evidence to support the same; which said exception was at that time duly noted by the judge on his minutes.

And thereupon the defendant, by his attorney, also further excepted to the following language in said charge, viz: "You can bring in a verdict of guilty as to both counts, or guilty as to one and not guilty as to the other," upon the ground that there is no
12 evidence to support the same as to said counts or either of them; which said exception was at the time duly noted by the judge on his minutes.

And thereupon the defendant, by his attorney, then and there also duly excepted to so much of said charge as in effect states that the only exception made under or by reason of said act of Congress in favor of a hotel-keeper is a provision allowing a hotel-keeper to sell liquor to *bona fide* registered guests at their meals or in their rooms, and that said exception constitutes the only difference between a hotel-keeper's license and an ordinary license for a saloon, upon the ground that said charge wholly ignores the provision permitting hotel-keepers to sell liquor on Sundays, and is misleading and contrary to law; which said exception was at the time duly noted by the judge on his minutes.

And thereupon the defendant, by his attorney, then and there also duly excepted to the following language contained in said charge, viz: "The law does not allow a man to go to a hotel and order a few crackers and some cheese or a sandwich for the purpose of getting a drink, or writing his name in a book for the purpose of having liquor served in his room," upon the ground that there was no evidence tending to prove that any person had ordered crackers or cheese or a sandwich for the purpose of getting a drink, or that any person had written his name in a book for the purpose of having liquor served in his room, or that the defendant had by such means or otherwise evaded or violated or attempted to evade or violate the provisions of said act of Congress, and also because the same is contrary to law, not supported by any evidence, and calculated to mislead the jury, to the prejudice of the defendant; which said exception was at the time duly noted by the judge on his
minutes.

13 And thereupon the defendant, by his attorney, then and there also duly excepted to so much of said charge as refers to the responsibility of the defendant for the acts of his agents and employees upon the ground that the same is contrary to the law and to the evidence and excludes from the consideration of the jury

the evidence tending to prove that if sales were made they were made contrary to the orders of the defendant and without his knowledge, consent, or direction, all being to the prejudice of the defendant; which said exception was at the time duly noted by the judge on his minutes.

And thereupon the defendant, by his attorney, then and there duly excepted to that portion of said charge contained in the following language, viz: "You are not to take into consideration the fact that it was inauguration time or the large crowd that was here or anything of that kind. You are to treat it as you would any ordinary case. I might say a great deal about the results of selling liquor to this crowd," upon the ground that the same was contrary to law and tended to mislead the jury, to the prejudice of the defendant; which said exception was duly noted at the time by the judge on his minutes.

And thereupon the defendant, by his attorney, also then and there duly excepted to that portion of the charge contained in the following language, viz: "If the liquor was taken from the bar-room and drunk on some other portion of the premises to which the bar-room was attached, it would be, in contemplation of law, keeping his bar-room open. He cannot keep his bar-room closed and in the next room sell liquor. He must keep the premises on which the bar-room is located closed for the sale of liquor. If any part of said premises was used for the sale of liquor this is, in contemplation of

14 law, keeping his bar-room open because his license covers his entire premises," upon the ground that the same is contrary to law and the evidence, and excluded from the consideration of the jury the rights of the defendant as a hotel-keeper under said act of Congress, and would make a delivery of beer to a *bona fide* registered guest at his meals or in his room a violation of said act of Congress, and tended to mislead the jury, to the prejudice of the defendant; which said exception was duly noted at the time by the judge on his minutes.

And thereupon, after said several exceptions were so taken and noted by the judge on his minutes, as aforesaid, the jury retired to consider their verdict, and thereafter returned into court and returned a verdict of guilty upon both counts of the information. Whereupon the defendant, by his attorney, then and there in open court gave notice of his intention to file a motion for a new trial and in arrest of judgment, and also of his intention to apply to the Court of Appeals for a writ of error, notice of which said intention was given at the time of each of said rulings by the judge and when each of said exceptions was taken and noted as aforesaid.

This bill of exceptions was duly presented to the court on the 30th day of March, A. D. 1901, and the defendant now here prays the court to sign this his bill of exceptions, *nunc pro tunc*, as of the 27th day of March, A. D. 1901, which is accordingly done this 2d day of April, A. D. 1901.

I. G. KIMBALL,
Judge Police Court.

In the Police Court of the District of Columbia.

DISTRICT OF COLUMBIA	}	No. 204,290.
vs.		
GEORGE LEHMANN.		

Second Bill of Exceptions.

Be it further remembered that on the 30th day of March, A. D. 1901, the defendant in the above-entitled cause duly filed his motion for a new trial, and also his motion in arrest of judgment upon the verdict mentioned in the foregoing bill of exceptions, hereto attached and made part hereof, copies of which motions, marked respectively "Exhibit 1" and "Exhibit 2," are hereto attached and made part hereof; that on the 22d day of April, 1901, said cause came on to be heard upon said motions respectively, and thereupon the said motions were severally, by the court, overruled; that thereupon the court rendered judgment upon said verdict and against said defendant in words and figures as follows: "Sentence, as to first count of said information, to pay a fine of two hundred dollars and in default to be committed to the workhouse for the term of sixty days; as to the second count of said information, to pay a fine of two hundred dollars and in default to be committed to the workhouse for the term of sixty days;" to which said action of the court in overruling said motion for a new trial, and also in overruling said motion in arrest of judgment, and also in rendering judgment on said verdict, and also in rendering judgment in manner and form, as aforesaid, this defendant, by his attorney, then and there duly excepted and gave notice in open court of his intention to apply to the Court of Appeals for a writ of error to review all and singular the matters severally excepted to as set forth in this and his previous bill of exceptions respectively; which said exceptions were duly noted at the time by the judge on his minutes.

This bill of exceptions was immediately thereafter, on the 22d day of April, 1901, duly presented to the court, and the defendant, by his attorney, now here prays the court to sign this his second bill of exceptions, which is accordingly done this 22d day of April, 1901.

I. G. KIMBALL,
Judge Police Court.

EXHIBIT No. 1 (WITH THE BILL OF EXCEPTIONS).

In the Police Court of the District of Columbia.

DISTRICT OF COLUMBIA	}	No. 204,920.
vs.		
GEORGE LEHMANN.		

And now, after verdict and before sentence, comes here the defendant, George Lehmann, and moves the court to set aside the verdict herein rendered and to grant a new trial upon the grounds—

(1.) That the conduct of the judge presiding and language used by him during the trial in the presence and hearing of the jury, and to which exceptions were taken, constituted a menace and threat to the jury, to the prejudice of the defendant.

(2.) That the verdict was contrary to the evidence.

(3.) That there was no evidence sufficient to support the verdict.

(4.) That the verdict was contrary to law.

(5.) That the judge erred, to the prejudice of the defendant, in his rulings at the trial and in his failure and refusal to grant the instruction prayed by the defendant to be given to the jury, and also erred in his charge to the jury, and for other errors of the judge during the trial; to all which errors exceptions were then duly taken and noted by the judge during the trial, and the same are set forth in the bill and bills of exceptions.

LORENZO A. BAILEY,
Attorney for Defendant.

18 EXHIBIT No. 2 (WITH THE BILL OF EXCEPTIONS).

In the Police Court of the District of Columbia.

DISTRICT OF COLUMBIA	}	No. 204,920.
vs.		
GEORGE LEHMANN.		

And now, after verdict and before sentence, comes here the said George Lehmann, defendant, and prays that judgment herein may be arrested, and for cause says that it does not appear upon the face of the information that the defendant was not the keeper of a hotel or tavern having a license under the act of Congress mentioned in the information, and that the sales charged were not sales made to *bona fide* registered guests in the said hotel or tavern at the meals or in the rooms of such guests, nor does the said information set forth any offense or any acts constituting a violation of said act of Congress, and for other manifest defects in the record aforesaid appearing.

LORENZO A. BAILEY,
Attorney for Defendant.

19 In the Police Court of the District of Columbia.

UNITED STATES OF AMERICA, { ss:
District of Columbia,

I, Joseph Y. Potts, clerk of the police court of the District of Columbia, do hereby certify *that* the foregoing pages, numbered from 1 to 18, inclusive, to be true copies of originals in cause No. 204,920, wherein The District of Columbia is plaintiff and George Lehman defendant, as the same remain upon the files and records of said court.

In testimony whereof I hereunto subscribe my name and affix the seal of said court, — the city of Washington, in said District, this 7th day — May, A. D. 1901.

[Seal Police Court of District of Columbia.]

JOSEPH Y. POTTS,
Clerk Police Court, Dist. of Columbia.

In the Police Court of the District of Columbia, March Term, 1901.

DISTRICT OF COLUMBIA } No. 204,920. Information for Selling
vs. } Liquor on Sunday; Keeping Open
 GEORGE LEHMAN. } Bar on Sunday.

Friday, March 8, 1901.—Continued to March 13, 1901. \$300 collateral security deposited in lieu of bonds. Defendant arraigned March 13, 1901. Plea, not guilty. Jury trial demanded. Continued to March 27, 1901.

March 27.—Verdict, guilty of both counts. Notice of motion for new trial and in arrest of judgment.

March 30th.—Motions for new trial and in arrest of judgment filed. Bill of exceptions filed, settled, and signed.

April 22nd.—Motions for new trial and in arrest of judgment overruled. Judgment, guilty. Sentence, as to first count of information, to pay a fine of two hundred dollars and in default to be committed to the workhouse for the term of sixty days; as to second count of information, to pay a fine of two hundred dollars and in default to be committed to the workhouse for the term of sixty days. Supplemental bill of exceptions filed, settled, and signed. Recognizance in the sum of \$500 entered into on writ of error to Court of Appeals, D. C., upon the condition that in the event of the denial of the application for a writ of error the defendant will, within five days next after the expiration of ten days, appear in police court and abide by and perform its judgment, and that in the event of the granting of such writ of error the defendant will appear in the Court of Appeals of the District of Columbia and abide by and perform its judgment in the premises. Michael O'Connor, surety.

April 25th.—Mandate received from the Court of Appeals.

MAY 7, 1901.

I hereby certify, under the seal of this court, that the foregoing is a true copy of the record of the proceedings had in the police court in the above-entitled case.

[Seal Police Court of District of Columbia.]

N. C. HARPER,
Deputy Clerk, Police Court, D. C.

22 UNITED STATES OF AMERICA, ss:

The President of the United States to the Honorable I. G. Kimball,
judge of the police court of the District of Columbia, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said police court, before you, between The District of Columbia, plaintiff, and George M. Lehmann, defendant, a manifest error hath happened, to the great damage of the said defendant, as by his complaint appears, we, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Court of Appeals of the District of Columbia, together with this writ, so that you have the same in the said Court of Appeals, at Washington, within 15 days from the date hereof, that, the record and proceedings aforesaid being inspected, the said Court of Appeals may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Richard H. Al-
Seal Court of Appeals, vey, Chief Justice of the said Court of Ap-
District of Columbia. peals, the 25th day of April, in the year
of our Lord one thousand nine hundred
and one.

ROBERT WILLETT,
Clerk of the Court of Appeals of the District of Columbia.

Allowed by—

M. F. MORRIS,

*Associate Justice of the Court of Appeals
of the District of Columbia.*

Endorsed on cover: Police court, District of Columbia. No. 1094.
George M. Lehman, plaintiff in error, vs. The District of Columbia.
Court of Appeals, District of Columbia. Filed May 7, 1901. Robert
Willett, clerk.